

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DAWN THOMPSON, on behalf of)	
herself and all others similarly situated,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-11169-DPW
)	
WYETH, INC., et al.)	
)	
Defendants.)	
)	

**JOINT MOTION FOR EXTENSION OF TIME FOR
PLAINTIFF TO RESPOND TO DEFENDANTS' MOTION TO
DISMISS AND FOR LEAVE FOR DEFENDANTS TO REPLY TO SAME**

Plaintiff Dawn Thompson and defendants Wyeth, Inc. a/k/a Wyeth Company f/k/a American Home Products Corporation, Pfizer Inc., Warner-Lambert Company LLC (improperly named as Warner-Lambert Company), on behalf of itself and its unincorporated Parke-Davis division, Novartis Corporation, McNeil-PPC, Inc., Prestige Brands, Inc., and The Procter & Gamble Distributing Company hereby respectfully request that the Court: (1) extend the period of time in which plaintiff has to respond to defendants' pending motion to dismiss the above-captioned matter by an additional twenty-one (21) days, up through and including August 31, 2005; and (2) grant defendants leave to file a reply memorandum to plaintiff's response, up through and including September 21, 2005.

As grounds for this joint motion, the parties state as follows:

1. On July 27, 2005, defendants moved to dismiss the Complaint on the grounds that plaintiff's common law fraud claim is expressly and/or impliedly preempted by federal law.

2. To address the legal issues raised by defendants' federal law preemption argument, plaintiff requests additional time in preparing her response. Defendants have assented to plaintiff's request to have through August 31, 2005, to respond to the motion to dismiss.

3. Similarly, to permit defendants the opportunity – in advance of the hearing on the motion – to respond to any opposition by the plaintiff, defendants request the opportunity to file a reply memorandum with the Court. Plaintiff has assented to defendants' request to have through September 21, 2005, to file a reply memorandum to plaintiff's response of no more than ten (10) pages.

4. The Court has scheduled a hearing on the motion for November 9, 2005. Neither plaintiff's request for an extension of time to respond to defendants' motion to dismiss nor defendants' request for leave to file a reply memorandum will interfere with the hearing date.

WHEREFORE, the parties respectfully request that the Court: (1) extend the period of time in which plaintiff has to respond to defendants' pending motion to dismiss the above-captioned matter by an additional twenty-one (21) days, up through and including August 31, 2005; and (2) grant defendants leave to file a reply memorandum to plaintiff's response of no more than ten (10) pages, on or before September 21, 2005.

DAWN THOMPSON,

By her attorneys,

/s/ Kenneth G. Gilman

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document was served upon all counsel of record by electronic service on August 10, 2005.

/s/ Ryan M. Tosi
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